

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 551

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Pre-filed December 1, 2019, and ordered printed.

Read 2nd time January 9, 2020, and referred to the Committee on Insurance and Banking.

Reported from the Committee January 27, 2020, with recommendation that the bill do pass.

Taken up for Perfection January 28, 2020. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

3729S.01P

AN ACT

To amend chapters 194 and 376, RSMo, by adding thereto two new sections relating to organ donation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 194 and 376, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 194.320 and 376.1590, to read as
3 follows:

194.320. 1. No hospital, as defined in section 197.020, physician,
2 procurement organization, as defined in section 194.210, or other
3 person shall determine the ultimate recipient of an anatomical gift
4 based upon a potential recipient's physical or mental disability, except
5 to the extent that the physical or mental disability has been found by
6 a physician, following a case-by-case evaluation of the potential
7 recipient, to be medically significant to the provision of the anatomical
8 gift. The provisions of this subsection shall apply to each part of the
9 organ transplant process, including, but not limited to, the following:

- 10 (1) The referral from a primary care provider to a specialist;
- 11 (2) The referral from a specialist to a transplant center;
- 12 (3) The evaluation of the patient for the transplant by the
13 transplant center; and
- 14 (4) The consideration of the patient for placement on an official
15 waiting list.
- 16 2. A person with a physical or mental disability shall not be

17 required to demonstrate postoperative independent living abilities in
18 order to have access to a transplant if there is evidence that the person
19 will have sufficient, compensatory support and assistance.

20 3. A court of competent jurisdiction shall accord priority on its
21 calendar and handle expeditiously any action brought to seek any
22 remedy authorized by law for purposes of enforcing compliance with
23 the provisions of this section.

24 4. This section shall not be deemed to require referrals or
25 recommendations for or the performance of medically inappropriate
26 organ transplants.

27 5. As used in this section, "disabilities" shall have the same
28 meaning as in the federal Americans with Disabilities Act of 1990, 42
29 U.S.C. 12101, et seq.

376.1590. 1. As used in this section, the term "insurance policy"
2 shall mean a policy or other contract of life insurance as such term is
3 defined in section 376.365, a policy of accident and sickness insurance
4 as such term is defined in section 376.773, or a long-term care
5 insurance policy as such term is defined in section 376.1100.

6 2. Notwithstanding any provision of law to the contrary, it shall
7 be unlawful to discriminate against a person in the offering, issuance,
8 cancellation, price, or conditions of an insurance policy, or in the
9 amount of coverage provided under an insurance policy, based solely
10 and without any additional actuarial risks on the status of such person
11 as an organ donor.

12 3. (1) The department of commerce and insurance shall provide
13 information to the public on the access of a living organ donor to
14 insurance as specified in this section. If the department of commerce
15 and insurance receives materials related to live organ donation from
16 a recognized live organ donation organization, the department of
17 commerce and insurance shall make the materials available to the
18 public.

19 (2) If the department of health and senior services receives
20 materials related to live organ donation from a recognized live organ
21 donation organization, the department of health and senior services
22 shall make the materials available to the public.

23 (3) The department of commerce and insurance and the
24 department of health and senior services may seek and accept gifts,

25 grants, or donations from private or public sources for the purposes of
26 this subsection.

27 4. The director of the department of commerce and insurance
28 may promulgate rules as necessary for the implementation of this
29 section. Any rule or portion of a rule, as that term is defined in section
30 536.010, that is created under the authority delegated in this section
31 shall become effective only if it complies with and is subject to all of
32 the provisions of chapter 536 and, if applicable, section 536.028. This
33 section and chapter 536 are nonseverable and if any of the powers
34 vested with the general assembly pursuant to chapter 536 to review, to
35 delay the effective date, or to disapprove and annul a rule are
36 subsequently held unconstitutional, then the grant of rulemaking
37 authority and any rule proposed or adopted after August 28, 2020, shall
38 be invalid and void.

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Bill

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